

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 2, between lines 9 and 10, begin a new paragraph and insert:
- 2 "Sec. 4. As used in this chapter, "fair share fee" means the
- 3 amount charged to an employee who is not a member of a labor
- 4 organization that is the exclusive bargaining representative for a
- 5 bargaining unit in which the employee works to cover the costs
- 6 incurred by the labor organization on behalf of the employee for:
- 7 (1) collective bargaining;
- 8 (2) contract administration;
- 9 (3) the adjustment of grievances; and
- 10 (4) pursuing other matters affecting wages, hours, and other
- 11 conditions of employment."
- 12 Page 2, line 10, delete "4." and insert "5."
- 13 Page 2, line 18, delete "5." and insert "6."
- 14 Page 2, line 27, delete "6." and insert "7."
- 15 Page 2, line 41, delete "7. A" and insert "8. Except as provided
- 16 under section 10 of this chapter, a".
- 17 Page 3, line 7, delete "Sec. 8." and insert "Sec. 9. (a) This section
- 18 does not apply to an agreement or a contract collectively bargained
- 19 and entered into under section 10 of this chapter.
- 20 (b)".
- 21 Page 3, line 11, delete "7" and insert "8".
- 22 Page 3, between lines 11 and 12, begin a new paragraph and insert:
- 23 "Sec. 10. (a) An employer and a labor organization may
- 24 negotiate whether a fair share fee shall be charged to employees

1 who are not members of the labor organization.

2 (b) Whenever a collective bargaining agreement between an
3 employer and a labor organization provides that an employee who
4 is not a member of the labor organization will be charged a fair
5 share fee, the employer shall provide to the labor organization, not
6 later than ten (10) days after the agreement is ratified or an
7 arbitration award is issued that includes the fair share fee, a list of
8 the names and addresses of all employees in each bargaining unit
9 the labor organization represents. If the collective bargaining
10 agreement containing the fair share fee provision has a term that
11 is longer than one (1) year, for each succeeding year of the
12 agreement and not later than thirty (30) days before a succeeding
13 year of the agreement begins, the employer shall provide an
14 updated employee list to the labor organization.

15 (c) After the labor organization receives the list described in
16 subsection (b), the labor organization shall provide to the employer
17 the name of each employee to be charged a fair share fee and the
18 amount of the fee. In addition, the labor organization shall provide
19 to the Indiana department of labor the amount of the fair share fee
20 and documentation supporting the determination of the amount of
21 the fee.

22 (d) Beginning on the later of:

- 23 (1) the effective date of the collective bargaining agreement
- 24 that contains the fair share fee provision; or
- 25 (2) the employer's receipt of the name of each employee and
- 26 amount of the fee;

27 the employer shall deduct once each month from the wages or
28 salary of each employee who is not a member of the labor
29 organization the amount of the fair share fee specified by the labor
30 organization. Not later than fourteen (14) days after each
31 deduction is made, the employer shall send the amounts deducted
32 to the labor organization. If a collective bargaining agreement with
33 a fair share fee provision has a retroactive effective date, the
34 employer shall make deductions of the fair share fee prospectively
35 only.

36 (e) The amount of a fair share fee may not exceed the amount of
37 the regular dues paid by employees in the bargaining unit who are
38 members of the labor organization. A fair share fee may not
39 include an amount for any of the following:

40 (1) Fraternal, ideological, political, or other activities not
41 germane to:

- 42 (A) collective bargaining;
- 43 (B) contract administration;
- 44 (C) the adjustment of grievances; or
- 45 (D) the pursuit of other matters affecting wages, hours,
- 46 and other conditions of employment.

47 (2) Social events.

(3) Lobbying on issues or for purposes other than the negotiation, ratification, or implementation of a collective bargaining agreement.

(4) Voter registration training, efforts to increase voting, or political campaign techniques.

(5) Support for or contributions to charitable organizations.

(6) Support for or contributions to religious or other ideological causes.

(f) As a condition for the collection of a fair share fee, the labor organization shall establish and maintain a full and fair procedure that complies with the Constitution of the United States and the Constitution of the State of Indiana. In addition, the procedure, at least, must comply with all of the following:

(1) Provide an annual notice to all employees who are not members of the labor organization. The notice must include:

(A) the amount of the fair share fee;

(B) sufficient information to determine whether the fee amount is correct; and

(C) the procedure by which the employee may challenge the fee amount.

(2) Permit a challenge to the fee amount by an employee who is not a member of the labor organization.

(3) Consolidate all timely challenges and require an impartial hearing before an arbitrator appointed by the American Arbitration Association in accordance with the Association's rules for the impartial determination of union fees. The hearing must be conducted under those rules and paid for by the labor organization.

(4) Require that the labor organization has the burden of proof as to the amount of the fair share fee.

(5) Require the labor organization to hold all fair share fees reasonably in dispute in an interest bearing escrow account while a challenge is pending and until a final decision is issued by the arbitrator.

(6) Provide for the disbursement of the amounts in the escrow account in accordance with the arbitrator's final decision.

(7) Require the labor organization to notify the employer of any change to the amount of a fair share fee as the result of an arbitrator's final decision.

(8) Require the employer to adjust the amount of a fair share fee deduction in accordance with the labor organization's notice under subdivision (7)."

Page 3, line 12, delete "9." and insert "11."

Page 3, line 13, delete "7" and insert "8".

Page 3, line 15, delete "10." and insert "12."

Page 3, line 23, delete "11." and insert "13."

Page 3, line 41, delete "12." and insert "14."

- 1 Page 3, line 41, delete "7" and insert "**8**".
- 2 Page 3, line 41, delete "11" and insert "**13**".
(Reference is to HB 1001 as printed January 12, 2012.)

Representative Battles